

REMARKS/ARGUMENTS

Claims 12-24 stand rejected in the outstanding Official Action. Claims 12 and 17-20 have been amended and therefore claims 12-24 remain in this application.

Priority Claim and Acknowledgment of Receipt of the Certified Copy of the Priority Document

Applicant has repeatedly requested the Examiner in this application to both acknowledge applicant's priority claim and acknowledge constructive receipt of the certified copy of the priority document. Applicant again requests that the Examiner acknowledge the above, especially in Office Action Summary Form PTOL-326 by marking an "X" in Boxes 12(a)(3). Applicant notes that in the Notice of Acceptance of Application the U.S. PTO has acknowledged receipt of the priority document from WIPO, and therefore there is clear evidence that applicant's priority claim has been perfected. The courtesy of the Patent Office's acknowledgment of the claim for priority and receipt of the priority document is respectfully requested.

It is also appreciated that the Patent Office has at long last provided applicant with an examination of the claims pending in this application as initially filed, rather than claims 1-11 from the amended PCT application. As has been repeatedly pointed out, national phase entry was prior to any amendment of the PCT application limiting examination to the originally submitted claims. The Patent Office's entry of claims 12-24 which are identical to claims 1-13 originally submitted in the PCT

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application (but with multiple dependencies removed) in lieu of the erroneously examined claims 1-11 is very much appreciated.

Finally, while the Patent Office has recently (on September 3, 2003) forwarded revised “Notice of Acceptance” and “Filing Receipt,” these documents are in error and do not reflect the documents originally received by the U.S. Patent and Trademark Office. However, as long as the Patent Office acknowledges receipt of applicants’ priority document from WIPO (or if not received, contacts and obtains such copy from WIPO as required under the national phase entry), applicant believes there to be no need to further argue the correctness or erroneous nature of these documents.

Claims 12-14, 16, 18, 20 and 21 stand rejected as anticipated or obvious over Vane (U.S. Patent 5,055,242). The Examiner correctly notes that the Vane reference teaches in Figure 3 the making of a composite article by means of a pultrusion operation. The Examiner also correctly notes that the Vane reference teaches “the introduction of independent reinforcing components 3a, 4a” in a method of creating a finished end product discussed at column 5, lines 60-65. The Examiner admits that Vane

“failed to state that the additional reinforcements 3a, 4a would have been provided from a fiber material different from the fiber material of the other plies in the composite, however in order to provide additional reinforcement in a localized region, depending upon the necessary characteristics of the finished assembly.”

The Examiner contends that it would be obvious to apply the additional reinforcements disclosed in Figure 1 to the different method disclosed in Figure 3. However, the

Examiner provides no reason or motivation for combining elements from these two completely different methods of forming a final article.

The Patent Office's attention is directed to the Brief Description of the Drawings, in which it is noted that Figure 1 illustrates the "production of a reinforcing material for use in the process of the present invention." The Brief Description of the Drawings also points out that Figure 3 "is a flow diagram illustrating a process according to another embodiment of the present invention." Thus two different embodiments of the invention are shown in Figures 1 & 3.

Similarly, the discussions of Figure 1 disclosing the use of "pieces or patches 3a, 4a of reinforcing material" that can be inserted "prior to said stitching" to provide additional reinforcement or thickness (see column 5, lines 60-65) as recited in page 3, line 3 of the Official Action. However, this is clearly in regards to the process of Figure 1 which does not contain any disclosure of pultrusion and indeed requires the stitching together of the various layers of composite material.

As opposed to the process of Figure 1, Figure 3 fails to contain any disclosure of stitching and indeed stitching would be incompatible with the pultrusion process in which the final product is both pulled and extruded (hence the name "pultrusion") through die 28. There is no die associated with the production method shown in Figure 1. Additionally, Figure 3 contains no disclosure of any addition of reinforcing material, either of the same type or a different type from the originally supplied fibers. Figure 3

only discloses a single fiber web or sheet being removed from material producing means 14, and there is no disclosure that this material producing means is the structure disclosed in Figure 1.

As a result, it is clear that Figures 1 and 3 disclose two different embodiments of the inventions disclosed in the Vane reference. The Examiner has, without any suggestion or motivation, combined the additional reinforcements 3a, 4a from the Figure 1 embodiment to be added to the web material of the Figure 3 embodiment. Because there is no reason or motivation for making such combination, the Examiner has clearly failed to meet his burden of establishing a *prima facie* case of obviousness under the applicable decisions of the Court of Appeals for the Federal Circuit.

Moreover, as previously noted in applicant's first Response to the initial Official Action in this application, the existence of reinforcement pieces or patches 3a and 4a, even if they were applied to the web in Figure 3, would not be operable in passing through the pultrusion die. They would be distorted and result in a clogged die nozzle, preventing proper operation of the pultrusion equipment.

The Examiner has provided no indication as to why he believes this will not happen. In fact, the Examiner does not even address this operation which would be clearly apparent if the pieces or patches were added to the Figure 3 web. Moreover, if these pieces or patches were stitched into the web as taught in conjunction with Figure 1, there would be no need for pultrusion, as the stitching in the web would prevent any

extension of the web as it passes through the pultrusion die. As is clearly understood by those of ordinary skill in the art, fiber tows can be pultruded under proper operation, although the Kevlar thread commonly used in the stitching methods of joining layers of composite material cannot be extruded. Should the Examiner question any of the above comments, applicant will be happy to submit the appropriate Declaration from one of ordinary skill in the art confirming the above points. However, since the Examiner has not disputed any of these points, there is believed no current need to provide Declaration support.

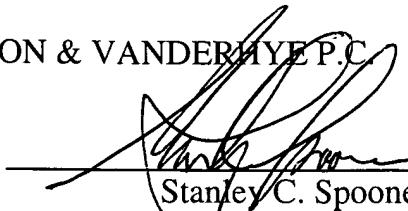
Applicant has amended claims 12 and 17-20 to place the claims more in consistence with U.S. claiming practice and to correct the positive recitation of method steps. However, applicant has added no limitations distinguishing over any prior art of record and any patents issuing with such claims will be entitled to the full doctrine of equivalents with respect to these claims.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 12-24 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

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Respectfully submitted,

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